

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES - GENERAL

Case No.	CV 10-1831 JHN (JCG)	Date	December 29, 2010
Title	Cornell Clark Chicuelo v. William Bratton, <i>et al.</i>		

Present: The Honorable **Jay C. Gandhi, United States Magistrate Judge**

Beatrix Martinez	None Appearing	
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:
None Appearing		None Appearing

Proceedings: **(IN CHAMBERS) ORDER TO SHOW CAUSE WHY ACTION
SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE**

On March 19, 2010, Plaintiff filed a civil rights complaint. On September 28, 2010, the Court dismissed the complaint with leave to file an amended complaint. In the Court's September 28, 2010 Order [Docket No. 14], Plaintiff was warned that his failure to file an amended complaint as ordered may result in a recommendation that this action, or portions thereof, be dismissed. (Sept. 28th Order at 12.) On November 17, 2010, the Court extended the time for filing an amended complaint to December 17, 2010.

To date, Plaintiff has not filed an amended complaint as ordered. A district court is authorized to dismiss an action “[i]f the plaintiff fails to prosecute or to comply with these rules or a court order [.]” Fed. R. Civ. P. 41(b). The court may dismiss a case under Rule 41(b) *sua sponte*. *Link v. Wabash R. Co.*, 370 U.S. 626, 630, 633 (1962); *McKeever v. Block*, 932 F.2d 795, 797 (9th Cir. 1991).

Accordingly, **IT IS ORDERED THAT** on or before **January 12, 2011**, Plaintiff shall file a Response to this Order showing good cause, if any exists, why he failed to timely file an amended complaint, and why this action should not be dismissed for failure to prosecute. Plaintiff shall support any attempt to show good cause with a declaration under penalty of perjury, accompanied by an amended complaint that complies with the Court's Order of September 28, 2010.

The Court admonishes Plaintiff that his failure to timely file a declaration responsive to this Order to Show Cause along with a first amended complaint will be deemed by the Court as further evidence of his failure to comply with the Court's

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orders and rules, and his failure to prosecute this action, and may result in a recommendation to the District Judge that the action be dismissed on that basis.

cc: Parties of Record

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Initials of Preparer _____ bm _____